

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1689.01
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: February 15, 2001
DATE OF REPORT: March 14, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: May 3, 2001

COMPLAINT ISSUES:

Whether the Vigo County School Corporation and the Covered Bridge Special Education District violated:

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically, failing to include the student in the general kindergarten classroom on a daily basis.

511 IAC 7-27-9(a)(3) with regard to the school's alleged failure to ensure the student is educated in the school the student would attend if not disabled, absent other arrangements required by the student's IEP.

FINDINGS OF FACT:

1. The student is seven years old and has been determined eligible for special education due to a moderate mental disability and a communication disorder.
2. The IEP/Case Conference Summary Report dated May 10, 2000, reflects that the student shall participate in the kindergarten classroom for 30 minutes each instructional day. The director acknowledges in a written statement that this did not occur on a regular basis from the beginning of the school year through mid-January, 2001. In January, 2001, the director reports staffing provisions were made to ensure the student's participation in the kindergarten classroom. According to the parent, the student has received instruction in the kindergarten classroom as specified in the May 10th IEP since January 22, 2001.
3. The IEP dated May 10, 2000, indicates the student will not attend his home school. Form 5A.4 of the IEP lists the following information under the heading, *Home School*: "IEP components cannot be met in his home school." The parent attended the CCC meeting and signed the IEP indicating agreement with the recommendations made by the CCC and giving approval for the IEP to be implemented.

CONCLUSIONS:

1. Finding of Fact #2 reflects that the school failed to include the student in the kindergarten classroom as specified in the IEP dated May 10, 2000. Therefore, a violation of 511 IAC 7-27-7(a) is found.

2. Finding of Fact #3 indicates the IEP contains language that reflects the student would not attend his home school. Therefore, no violation of 511 IAC 7-27-9(a)(3) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Vigo County School Corporation and the Covered Bridge Special Education District shall:

1. Convene a CCC meeting no later than April 18, 2001, to determine the need for compensatory educational services. Submit a copy of the revised IEP/Case Conference Summary Report to the Division no later than April 25, 2001.
2. Submit to the Division no later than April 25, 2001, a letter of assurance signed by the student's teacher of record and the director that specifies all IEPs developed for the student will be implemented as written.